REMARKS

Reconsideration of this application and the rejections of claims 1, 3-13 and 15-23 is respectfully requested. The claims have been amended to clarify the differences between claimed embodiment and the cited references. As amended, the claims are allowable over the references.

I. The Examiner's Claim Objections Are Improper, But Applicant Has Made The Proposed Claim Amendments To Advance Prosecution.

Claims 3-13, 5-18, 22 and 23 are objected to based on the Examiner's allegation that the introductory phrase "a method" should be "the method." Applicant submits that use of either "a method" or "the method" as a preamble introductory phrase is proper. Literally tens of thousands of patents have been granted that use the phrase "a method." Further, no authority has been cited for the proposition that "a method" is improper. Nonetheless, to advance prosecution applicant has amended claims 3-13, 15-18, 22 and 23 as recommended and accordingly and asserts the objection should be withdrawn. Applicant notes that corresponding amendments are at best directed to a typographical error, and are not directed to issues of patentability. The scope of the claims has not changed through amendment.

Similarly, claim 21 is objected to because the claim recites "A computer readable memory" rather than "the computer readable memory." Applicant submits the same arguments made above, but again to advance prosecution, Applicant has amended claim 21 as recommended and accordingly asserts that the objection should be withdrawn. Corresponding amendments are not directed to issues of patentability, but

instead are directed to issues of style only. The scope of the subject claims has not changed through amendment.

II. Applicant's Claims Recite Patentable Subject Matter, Are Supported By The Specification, And Contain Sufficiently Definite Claim Language.

Claims 20 and 21 stand rejected under 35 U.S.C. § 101 and 35 U.S.C. § 112 on the basis that the phrase "computer readable medium" does recite patentable subject matter and is not supported by Applicant's specification. Applicant has amended claims 20 and 21 to recite "computer readable memory," which is a type of a computer readable medium and which is disclosed in the first paragraph of the detailed description. Persons skilled in the art would understand the term computer readable memory (or memory) to mean a magnetic disk, optical disk, flash memory card or any other similar device for electronic storage of data. Also, notably MPEP § 2106.01 states that "when functional descriptive material is recorded on some computer readable medium, it becomes structurally and functionally interrelated to the medium and will be statutory in most cases since use of technology permits the function of the descriptive material to be realized." Applicant therefore asserts that the present claims include the elements necessary to overcome the 35 U.S.C. §101 and §112 rejections.

Further, Applicant submits the above-discussed amended claim language is supported by the specification. Indeed, Page 3 of Applicant's specification recites "it will be appreciated that program products of the invention may embody methods, and that methods of the invention may be practiced by a computer. A program product of the

invention, for example, may be computer readable instructions stored on a computer readable memory that when executed causes one or more computers to perform steps of a method of the invention." As such, the amended claim language is properly supported by Applicant's specification. Accordingly, Applicant requests that the 35 U.S.C. §112 rejections be withdrawn.

Claims 1, 3-13 and 15-23 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner asserts that the limitation "communicating a plurality of discrete real time video data streams from each of the plurality of attendees to all others of the plurality of attendees wherein each of the plurality of attendees receives a plurality of real time discrete video data streams including at least one discrete video stream originating from each of the other attendees" of claim 1 is not disclosed in the original specification. Claims 3-13 and 15-23 are rejected for the same reason.

Applicant respectfully disagrees with Examiner's assertion. Indeed, Page 2 of Applicant specification recites "[a]n exemplary method of the invention includes steps of communicating a plurality of real time data streams from each of a plurality of attendees connected to one another over a communications network to all other of the plurality of attendees." Since this disclosure refers to a plurality of real time data streams being communicated "to all other of the plurality of attendees," it is implied that each of the plurality of attendees will receive such data streams. Notably, the modifier "discrete" has been removed from the claim language by amendment. Therefore, since the

identified language of claim 1 is supported by the specification, it is respectfully requested that the 35 U.S.C. §112 rejection be withdrawn.

Claims 1, 3-13, 15-18, and 20-23 also stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. With respect to claim 1, the Examiner asserts that the limitation "said plurality of discrete real time video data streams" is indefinite because there are two such pluralities of streams in the claim and it is unclear which one is being referenced. Applicant has reviewed the language of claim 1 and believes that there is no issue of indefiniteness and therefore has not amended the claim.

Presumably, when the Examiner indicates that there are two such pluralities of streams in claim 1, he is referring to 1) "communicating a plurality of real time video data streams from each of the plurality of attendees to all others of the plurality of attendees" (i.e., a plurality of streams being *sent from* attendees – lines 4-5) and 2) "wherein each of the plurality of attendees receives a plurality of real time video data streams" (i.e., a plurality of streams being *received by* attendees – lines 4-6). However, the language identified by the Examiner as being problematic unambiguously refers to the first of these two pluralities of streams. Indeed, lines 11-12 of claim recite "designating at least one of said plurality of real time video data streams *communicated from at least one of the plurality of attendees*." (i.e., the plurality of streams being *sent from attendees*). Accordingly, Applicant submits that claim 1 does not pose any indefinite issues and need not be amended to overcome the 35 U.S.C. §112 rejection.

With respect to claim 20, the Examiner asserts that the limitation "said plurality of users" does not have a proper antecedent basis. This phrase has been amended to recite "said plurality of attendees," which has a proper antecedent basis. As such, it is respectfully requested that the 35 U.S.C. §112 rejection be withdrawn.

III. The 35 U.S.C. 103(a) Rejections Should Be Withdrawn Because The References Fail To Teach or Suggest Several Claimed Features.

Claims 1, 3-13 and 15-17 stand rejected under 35 U.S.C. §103 over Henrikson (U.S. Pat. No. 6,897,715) in view of Boyer (U.S. Pat. No. 5,896,128) and further in view of Potekhin et al (U.S. Pat. No. 7,054,820). Claim 18 is rejected under 35 U.S.C. §103(a) as being unpatentable over Henrikson in view of Boyer, further in view of Potekhin, and further in view of Jang et al. (U.S. Pat. No. 6,442,758). As amended, Applicant's claims are allowable over these references. A summary for the reasons for allowance of the claims is:

Independent claims 1, 19 and 20 are allowable since:

- Boyer Fails to Teach a Plurality of Attendees Receiving a Plurality of Data Video Streams
- Henrikson Fails to Teach an Attendee Communicating a Primary Selection Command that is Received by Other Attendees and Used by those Other Attendees to Select a Primary Video Stream
- Potekhin Fails to Teach Attendees Storing a Primary Selection Command in a Memory as Required by Claim 1
- Boyer Fails to Disclose the Recited First and Second Primary Streams of Claim 20

Various dependent claims are allowable for other reasons:

- Claim 3 is Allowable since Henrikson Fails to Teach a Plurality of Primary Streams
- Claim 4 is Allowable since Henrikson Fails to Teach a Primary Selection Command that Includes a Priority Ranking for a Plurality of Video Data Streams
- Claim 5 is Allowable since Henrikson Teaches Away from a Primary Stream that is Not from the Loudest or Dominant Speaker
- Claims 9-10 are Allowable since Henrikson Fails to Teach a Primary Selection Command that Includes a Primary Stream Identifier
- Claims 11 and 18 are Allowable since Henrikson Fails to Teach an Attendee Communicating a Plurality of Video Data Streams
- Claim 15 is Allowable since Henrikson Fails to Teach the Recited Elements of a Meeting Facilitator
- Claim 23 is Allowable since the Cited References Fail to Teach Storing a Primary Selection Command in a Computer Memory at the Attendee

These reasons for allowability of the claims are discussed in greater detail below.

A. THE REJECTION OF INDEPENDENT CLAIMS 1, 19 AND 20 ARE IMPROPER

A.1 BOYER FAILS TO DISCLOSE A PLURALITY OF ATTENDEES RECEIVING A PLURALITY OF DATA VIDEO STREAMS

With respect to claim 1, the Examiner acknowledges that Henrikson fails to disclose the feature of "communicating a plurality of real time video data streams from each of the plurality of attendees to all others of the plurality of attendees wherein each of the plurality of attendees receives a plurality of real time video data streams including at

least one video stream originating from each of the other attendees," but instead asserts that Boyer discloses this feature.

Boyer discloses a video conferencing system which uses a centralized multimedia bridge to combine multimedia signals from a plurality of attendees into a single composite signal for each attendee (Abstract). Since multiple signals are combined into one, "[e]ach user receives ***just one video stream*** of the bandwidth, encoding and video standard that they desire." (Col 2, Lines 38-39) (emphasis added). This is distinguishable from the present invention wherein "the plurality of attendees receives a *plurality* of real time video data streams" as recited in claim 1.

The Examiner cites to Col 2, Line 47 - Col. 3, Line 20 of Boyer as disclosing this feature. However, this section merely described how an attendee can arrange the various video images of the other attendees on the display in a manner that is pleasing. This section further discloses the ability to synchronize select data (e.g., to sync an audio stream with a corresponding video stream). Finally, the Examiner cites to Col. 5, Lines 1-19 which discloses that attendees may send video signals to the "AMB" (i.e., a bridge hub), which then combines the signals and sends the **single signal** to an attendee as described above. Notably, none of these sections describe the method by which the claimed invention provides for communication of a plurality of video data streams to a plurality of attendees. Indeed, Boyer makes use of a hub to combine video signals and then send that single signal to an attendee. To the contrary, in the present invention, each attendee sends a plurality of video data streams to each of a plurality of attendees. Therefore, unlike in Boyer, each attendee receives a plurality of video data streams.

In addition, since Boyer teaches the concept of creating a single composite data video stream, it teaches away from any techniques related to prioritizing multiple data video streams. Indeed, a single data video stream has no need for prioritization as it has no other competing data video streams. Since Boyer teaches away from the features of Henrikson, Applicant submits it is improper to combine Boyer with Henrikson to make a rejection under 35 U.S.C. §103(a).

The remaining independent claims 19 and 20 recite similar features and therefore the same arguments are applicable with respect to these claims. Claim 20, for example, recites that "wherein each of the plurality of attendees receive a plurality of individual video data streams that are not mixed together into a single stream." Boyer expressly teaches away from this when it disclosed use of a single, bundled video stream. Claim 20 and all other independent claims are therefore allowable.

Further, since all of the independent claims have been shown to be in allowable form, it is respectfully requested that the rejections for the independent claims as well as the corresponding dependent claims be withdrawn.

A.2 Henrikson Fails to Teach an Attendee Communicating a Primary Selection Command that is Received by Other Attendees and Used by those Other Attendees to Select a Primary Video Stream

Each of independent claims 1, 19 and 20 recite that an attendee communicate a primary selection command that is received by at least a portion of the plurality of other attendees, and that the other attendees use the primary selection

command to identify (claims 1 and 20) / recognize (claim 19) a primary video stream. The Office Action cites Henrikson for this teaching. It is submitted that this is incorrect.

Put another way, in each independent claim at least one attendee decides which video stream will be the primary stream and communicates a corresponding primary selection command to other attendees. Those other attendees then use the command to identify / recognize the primary video stream. This can be thought of as a distributed system where attendees make decisions and execute commands concerning the primary video stream. This is very different from Henrikson's centralized system where primary stream selection is instead done centrally.

The Office Action alleges that these corresponding elements of claims 1, 19 and 20, are disclosed by col. 5, lines 20-25 of Henrikson. It is submitted that this is incorrect. The cited portion of Henrikson simply teaches that the primary stream is selected at the central node 124 (based on the dominant or loudest speaker) and then sent to attendees. In fact, this cited portion of Henrikson teaches away from the claims by confirming that the primary stream identification is not made by attendees using a selection command they received, but is instead made at central node 124.

As pointed out in Amendment A, in Henrikson's centralized system all aspects of primary stream selection and use occur at a centralized media resource node 124: "In the preferred embodiment, media resource function 124 includes a conference circuit that receives all inputs ... from the conference participants and distributes a mixed output to all conference participants. The mixed output preferably includes and distinguishes the primary video image." col. 4, lines 45 – 50; see also FIG. 1 showing

central location of media resource function 124. This is very different from the claimed distributed configuration where primary stream selection and identification tasks are performed by conference attendees.

Henrikson's configuration may offer less flexibility than the claimed embodiments since individual attendees cannot select a primary data stream(s). Further, Henrikson teaches that central media resource function 124 selects the primary video stream based on the dominant (i.e., loudest) audio stream:

> In accordance with the present invention, the audio packets received from conference participants (by media resource node 124) are analyzed to select the primary video image for display. ... If a particular participant is dominating the audio portion of the conference (206), **then the primary video image that is sent to all participants is selected based on the participant dominating** (the audio) ...

col. 4, line 52 – col. 5, line 23 (emphasis added). Also, "(m)ost preferably, **the loudest audio signal is used to select the primary video image**. The primary video image is typically a video image of the loudest speaker ...." col. 5, lines 63-65 (emphasis added).

The rejection of claims 1, 19 and 20 is therefore improper and must be withdrawn. Also, Applicant notes that arguments on these issues were submitted in its Amendment B, yet the Examiner failed to acknowledge or provide a response to such arguments in the present Office Action. Indeed, the Examiner merely repeats the same rejections. If the Examiner refutes Applicant's arguments, Applicant respectfully requests that the Examiner provide an appropriate substantive response on this issue.

A.3 Potekhin Fails to Teach Attendees Storing a Primary Selection Command in a Memory as Required by Claim 1

Claim 1 further requires that one of the attendees communicate a primary selection command that is received by at least a portion of the plurality of attendees and stored in a memory by each of the portion of attendees. The Office Action admits that Henrikson fails to disclose this element, but cites column 7, lines 54-67 of Potekhin for this teaching. This portion of Potekhin states, in pertinent part, that the "audio controller 440 stores control information." It is submitted that this is insufficient to meet the recitation that attendees store a primary selection command received from another attendee in a memory.

Accepting only for sake of argument the Office Action's argument that Potekhin's "control information" can be considered to be a "primary selection command," the cited portion of Potekhin fails to teach that the command is received and/or stored in a memory ***by a plurality of the attendees***. Instead, it is executed and stored at central audio controller 440 (which is part of central MCU 400 – see FIG. 4) – this is different from the claimed recitation. This is still another reason that claim 1 is allowable.

Once again, Applicant notes that arguments on these issues were submitted in its Amendment B, yet the Examiner failed to acknowledge or provide a response to such arguments in the present Office Action. Indeed, the Examiner merely repeats the same rejections. If the Examiner refutes Applicant's arguments, Applicant respectfully requests that the Examiner provide an appropriate substantive response on this issue.

A.4 BOYER FAILS TO DISCLOSE THE RECITED FIRST AND SECOND PRIMARY STREAMS OF CLAIM 20

Independent claim 20 is allowable for the reasons set forth above. It is also allowable for other reasons. For example, claim 20 has recites that first and second primary video data stream identifiers are communicated to a plurality of users wherein each of the plurality of users thereby receives two different primary video data streams at the same time. The Office Action admits that Henrikson and Potekhin fail to disclose this, but instead cites Boyer.

The Examiner asserts that such features are taught by Boyer, by citing to the same sections referenced in his rejection to claim 1 (i.e., Col. 2 Line 47 – Col. 3 Line 20, and Col. 5 Lines 1-19). However, as described earlier, Boyer discloses an attendee receiving a single stream. Therefore, there can be no "second primary stream identification" being communicated to an attendee. Further, Boyer does not make references to prioritizing streams as recited in claim 20. Again, this provides another reason for the allowability of claim 20.

B. DEPENDENT CLAIMS 3, 4, 5, 9, 10, 11, AND 23 ARE ALLOWABLE FOR OTHER REASONS

Because the independent claims are allowable, all of the dependent claims are likewise allowable. Several are allowable for other reasons as well. Yet again, Applicant notes that arguments on these issues were submitted in its Amendment B, yet the Examiner failed to acknowledge or provide a response to such arguments in the

present Office Action. Indeed, the Examiner merely repeats the same rejections previously made without any acknowledgement of Applicant's arguments in Amendment B. It is difficult to advance prosecution without understanding the Examiner's position on the arguments. If the Examiner refutes Applicant's arguments, Applicant respectfully requests that the Examiner provide an appropriate substantive response on this issue.

B.1 CLAIM 3 IS ALLOWABLE: HENRIKSON FAILS TO TEACH A PLURALITY OF PRIMARY STREAMS

Claim 3 states that a primary selection command designates a plurality of video data streams as primary video data streams. The Examiner cites to Col. 4, Lines 49-52 of Henrickson to show this feature, which states "[t]he mixed output preferably includes and distinguishes the primary video image [i.e., a single image]. Most preferably, media resource function 124 receives audio, video and other packets from the conference participants." Notably, Henrickson fails to disclose or suggest this required element, and in fact, teaches away from this by teaching only a single primary video image. (See also, Col. 5, Lines 20-25).

B.2 CLAIM 4 IS ALLOWABLE: HENRIKSON FAILS TO TEACH A PRIMARY SELECTION COMMAND THAT INCLUDES A PRIORITY RANKING FOR A PLURALITY OF VIDEO DATA STREAMS

Claim 4 depends from claim 1 and recites that the primary selection command of claim 1 further include a priority ranking for a plurality of video data streams. The Office Action admits that Henrikson fails to disclose this, but cites col. 8,

lines 1-15 of Potekhin for this teaching. This portion of Potekhin, however, fails to teach or suggest this. This portion of Potekhin reads:

> When processing a conference in which all ***participants have the same status*** (e.g., a common conference among participants ***having the same priority***), audio controller 440 receives control information (e.g., control information 514 or control information from the host) via IC 528, updates its database 441, and then searches for the set number of the dominant speakers in the conference. Audio controller 440 then controls switch 532 and/or mixer 542 of each audio port 430 being used for the conference to generate an appropriate mix. For example, the set number of speakers for which audio controller 440 searches may be five participants. When processing a conference that is a lecture, audio controller 440 may receive the information via IC 528, update its database 441, and then search for the dominant speaker (e.g., the lecturer). (emphasis added)

This portion of Potekhin not only fails to teach a primary selection command that includes a priority ranking for a plurality of video data streams, but teaches away from it since it teaches that all users "have the same status / priority" and then searching for the "dominant speaker." Should this rejection not be withdrawn, clarification is requested.

B.3 CLAIM 5 IS ALLOWABLE: HENRIKSON TEACHES AWAY FROM A PRIMARY STREAM THAT IS NOT FROM THE LOUDEST OR DOMINANT SPEAKER.

Claim 5 recites that the primary video data stream is not from a loudest or dominant speaker. Henrikson teaches away from this since it teaches that the primary video stream is selected only on the basis of the loudest or dominant speaker: "...the primary video image that is sent to all participants is selected based on the participant dominating the audio portion of the call..." col. 5, lines 22-23. Claim 5 is therefore allowable.

B.4 CLAIMS 9-10 ARE ALLOWABLE: HENRIKSON FAILS TO TEACH A PRIMARY SELECTION COMMAND THAT INCLUDES A PRIMARY STREAM IDENTIFIER

Claims 9 and 10 depend from claim 1 and further recites that each stream have an identifier and that the primary selection command communicated from an attendee to all other attendees include the stream identifier for the primary video stream. The Office Action cites col. 4, lines 49-50 of Henrikson for this teaching. This portion of Henrikson, however, simply reads that: "The mixed (audio) output preferably includes and distinguishes the primary video image." It is submitted that this disclosure does not support the rejection since it clearly does not disclose a primary selection command that includes a video stream identifier. Additionally, it is submitted that this rejection is improper since Henrikson teaches away from this recitation. Henrikson teaches that the primary video stream is selected based only on the dominant audio stream. col. 5, lines 22-23. There is therefore no need to communicate a primary selection command including a primary stream identifier to attendees. Claims 9 and 10 are therefore allowable.

B.5 CLAIMS 11 AND 18 ARE ALLOWABLE: HENRIKSON FAILS TO TEACH AN ATTENDEE COMMUNICATING A PLURALITY OF VIDEO DATA STREAMS

Claims 11 and 18 are also allowable because the combination of Henrickson and Potekhin fail to disclose or suggest that each attendee communicate a plurality of video data streams. The Office Action cites col. 5, lines 20-25 of Henrikson

for this teaching. That portion of Henrikson, however, simply teaches that a single primary video stream is communicated based on whomever is the loudest speaker. Should this rejection not be withdrawn, clarification is requested.

B.6 Claim 15 is Allowable: Henrikson Fails to Teach the Recited Meeting Facilitator Elements

Claim 15 depends from claim 1 and further recites that:

> (The) primary selection command is communicated from a meeting facilitator connected to the network, said meeting facilitator monitoring all of said plurality of data streams but not communicating a video or audio data stream to said plurality of attendees, and wherein said at least a portion of said plurality of attendees is all of said plurality of attendees.

The Office Action cites col. 4, line 66 – co. 5, line 2 of Henrikson for this teaching. This portion of Henrikson, however, simply reads: "Ideally, where only one participant is speaking at a particular time, only audio packets associated with that participant are received by the conference function." It is submitted that this does not disclose the recited elements of claim 15. Should this rejection not be withdrawn, clarification is requested.

B.7 Claim 23 is Allowable: the Cited References Fail to Teach Storing a Primary Selection Command in a Computer Memory at the Attendee

Henrikson in view or Potekhin does not disclose the elements of claim 23. Claim 23 depends from claim 1 and further recites that the primary selection command be stored on a memory in a computer at each of the attendees. Neither Henrikson nor

Potekhin disclose this feature. In Henrikson's centralized configuration the central media resource node 124 identifies the primary stream based on audio volume. Col. 4, lines 45-50. Likewise, Potekhin teaches that selection commands are stored on a centrally located MCU 400. FIG. 4.

In rejecting claim 23, the Office Action simply states that the claim is rejected "...for the same reasons as are claims 1 and 12." Clarification is requested, however, since neither of these claims recite storing the primary selection command in a computer memory at each attendee.

IV. Conclusion

Applicant respectfully submits that in view of the above-identified amendments and remarks, the claims in their present form are patentably distinct over the art of record. Allowance of the objected and rejected claims is respectfully requested. In the alternative, the claims are submitted to be in better form for appeal. Should the Examiner discover there are remaining issues which may be resolved by a telephone interview, he is invited to contact Applicant's undersigned attorney at the telephone number listed below.

If a Petition under 37 C.F.R. §1.136(a) for an extension of time for response is required to make the attached response timely, it is hereby petitioned under 37 C.F.R. §1.136(a) for an extension of time for response in the above-identified application for the period required to make the attached response timely. The

Commissioner is hereby authorized to charge fees which may be required to this application under 37 C.F.R. §§1.16-1.17, or credit any overpayment, to Deposit Account No. 07-2069.

Respectfully submitted,

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